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#47
1-403

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

:

SCROGGIE ET AL.

: GROUP ART UNIT: 2163

SERIAL NO. 08/873,974

:

CPA FILED: AUGUST 17, 1999

: EXAMINER: ROBINSON, BOYCE A.

FOR: SYSTEM AND METHOD FOR
DISTRIBUTING INFORMATION
THROUGH COOPERATIVE
COMMUNICATION NETWORK SITES

RECEIVED

DEC 30 2002

GROUP 3600

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

37 CFR 1.132 DECLARATION OF MICHAEL C. SCROGGIE

- (1) I am one of the inventors for the application identified above.
- (2) I refer herein to the Office Action dated September 23, 2002.
- (3) Based upon my knowledge of the fields or programming and related knowledge in the marketing industry, it is my understanding that one of ordinary skill in the arts to which my inventions disclosed and claimed in this application relate would have had at least an undergraduate degree in computer science, knowledge of computer programming of web sites using back end databases, and at least a passing knowledge of marketing and the use of promotions to affect consumer behavior..
- (4) The 12 limitations alleged by the examiner as not supported by the specification are in fact supported by the specification. That is, one of ordinary skill in the art would have understood that I was able to make and use systems and methods including those limitations by reading the originally filed disclosure of this application. A copy of that disclosure is **exhibit (1)** to this declaration. The following claim chart shows by page and line number specifically where each of the 12 limitations is described in the originally filed disclosure. Each of those sections of text contains sufficient explanation of the relevant recitation objected to by the examiner to have informed one skilled in the art that I had conceived of and knew how to implement the systems and methods containing structure or function corresponding to those recitations.

Therefore, it is my opinion that the examiner's rejections of claims containing those limitations as because of the specification allegedly not teaching one of ordinary skill in the art that I was in possession of systems and methods including these limitation are improper.

5. First Assertion

Office Action at page 2 line 22 to page 3 line 2 alleges no original disclosure of:	Original disclosure of the recited limitations:
“transmitting from said cooperative network site	Page 9 lines 26-27; and FIG. 1 #14.
said geographically limited list of retailers	Page 3, lines 21-22; Page 9 lines 24-26; and FIG 3 #50, #52, #54, #56.
based on a postal code provided by said consumer	Page 9 lines 20-24; and FIG. 2 #32, #34, #36. Page 10 lines 7-9; and FIG. 3 #52, #54, #56.
to said cooperative network site	Page 9 lines 24-26; and FIG 1, #14. Page 8 lines 16-18; FIG. 4 #14, FIG 5 #14, and FIG. 7, #124 through #136.
via said manufacturer network site”	Page 9 lines 26-27; FIG. 1 #10; and FIG 2 #10.

6. Second Assertion

Office Action at page 3 lines 2-10 alleges no original disclosure of:	Original disclosure of the recited limitations:
“transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site,	FIG. 1 #12, #14, #16; page 8 lines 18-19; page 9 lines 3-14; and page 10, lines 11-12.
in response to a query from said consumer made over said communication network from said retailer network site;	Page 3, lines 27-28; page 4, lines 1-2; age 8 lines 24-25; FIG. 1 #12, #14, FIG. 3 #50, #54, #62; page 9 lines 3-7 and lines 10-11; and page 10 lines 5-7 and lines 12-13.
transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and	Page 3 line 29; page 9 lines 12-13; FIG. 1 #12, #14; and FIG. 3 #64, #66, #68.

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer networks site”	Page 3 lines 1-2; p page 10 line 1-2; page 9 lines 13-14FIG. 1 #12, #14; and FIG. 3 #66, #68.
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7. Third Assertion

Office Action at page 3 lines 11-19 alleges no original disclosure of:	Original disclosure of the recited limitations:
“transmitting from said cooperative network site a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site,	FIG. 1 # 12,#14, #16, #22; FIG. 3; page 8 lines 18-19; page 9 lines 3-11; page 11 lines 8-17; and page 13 lines 6-19.
in response to a query from said consumer made over said communication network from said retailer network site;	FIG. 1 #12, #14; page 8 lines 24-25; page 9 lines 3-7 and page 11 lines 8-10.
transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and	FIG. 1 #12, #14 ; and page 9 lines 12-13.
transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer networks site”	FIG. 1 #12, #14 ; FIG 3 #64, #66, #68; page 4 lines 1-2; page 10 line 3; page 9 lines 13-14.

8. Fourth Assertion

Office Action at page 3 line 19 to page 4 line 6 alleges no original disclosure of:	Original disclosure of the recited limitations:
“transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site,	FIG. 1 #12, #14, #16; FIG. 3; page 8 lines 18-19; page 9 lines 12-13; page 12 lines 6-20; page 13 lines 20-24; and page 14 lines 1-16.

in response to a query from said consumer made over said communication network from said retailer network site;	FIG. 1 #12, #14; FIG 3 #50, #54; page 3 lines 27-29; and page 9 lines 7-13.
transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and	FIG. 1, #12, #14; FIG. 3 #62 ; page 9 lines 11-13; and page 10 lines 11-12.
transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer networks site”	FIG. 1 #12, #14; FIG. 3, #66, #68; page 4 lines 1-2 ; page 9 lines 12-14; and page 10 lines 13-16.

9. Fifth Assertion

Office Action at page 4 line 6-9 alleges no original disclosure of:	Original disclosure of the recited limitations:
“transmitting from said cooperative network site	Page 8 lines 22-24; page 9 lines 26-27; FIG. 1 # 10, #14; and FIG2 #32, #38, #46.
said geographically limited list of retailers	Page 8 lines 25-26; 9 lines 24-26; FIG. 1 #14; and FIG 2 #38 # 40.
based on a postal code provided by said consumer	Page 9 lines 20-24; and FIG. 2 #32, #34, #36.
to said cooperative network site	Page 9 lines 24-26; and FIG 2 #34, #36.
via said manufacturer network site”	Page 9 lines 26-27; and FIG. 1 #10; and FIG 2 #10, #34.

10. Sixth Assertion

Office Action at page 4 lines 9-17 alleges no original disclosure of:	Original disclosure of the recited limitations:
“transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site,	FIG. 1 #12, #14, #16; FIG. 3; page 8 lines 18-19; and page 9 lines 3-14.

in response to a query from said consumer made over said communication network from said retailer network site;	FIG. 1 #12; FIG. 3 # 58, #66; page 10 lines 5-7 and page 9 lines 3-7.
transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and	FIG. 1 #12; FIG 3 #62; page 9 lines 12-13; and page 10 lines 12-13 .
transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer networks site”	FIG. 1 #12, #14; FIG. 3 #66, #68; page 9 lines 12-14; page 10 lines 13-16; and page 13 lines 28-30.

11. Seventh Assertion

Office Action at page 4 lines 17 to page 5 line 4 alleges no original disclosure of:	Original disclosure of the recited limitations:
“transmitting from said cooperative network site a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site,	FIG. 1 #14, #16, #22; FIG. 3; page 8 lines 18-19; page 9 lines 3-11; page 11 lines 8-17; and page 13 lines 6-19.
in response to a query from said consumer made over said communication network from said retailer network site;	FIG. 1 #12; page 10 lines 5-9; and page 9 lines 3-7.
transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and	FIG 1, #12; FIG. 3 #62; page 9 lines 12-13; and page 10 lines 11-12.
transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer networks site”	FIG 1 #14; page 9 lines 12-14; and page 10 lines 13-16.

12. Eighth Assertion

Office Action at page 5 lines 4-12 alleges no original disclosure of:	Original disclosure of the recited limitations:
“transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site,	FIG. 1 #12, #14, #16; FIG. 3; FIG. 7 #120, #122; page 4 lines 25-27; page 5 lines 13-16, page 8 lines 18-19; page 9 lines 12-13; page 10 lines 11-16; and page 13 lines 20-24.
in response to a query from said consumer made over said communication network from said retailer network site;	FIG. 1 #12; FIG 3 #50; page 3 lines 27-29; page 9 lines 7-13; page 10 lines 6-8; and page 13 lines 25-30.
transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and	FIG. 1 #12; FIG 3 #62;; page 9 lines 12-13; and page 10 lines 12-13.
transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer networks site”	FIG. 1 #14; FIG. 3 #66; page 9 lines 13-14; page 9 lines 12-14; and page 13 lines 18-19.

13. Ninth Assertion

Office Action at page 5 lines 13-16 alleges no original disclosure of:	Original disclosure of the recited limitations:
“transmitting from said cooperative network site	Page 8 lines 22-24; page 9 lines 26-27; and FIG. 1 #14; FIG. 2 #14.
said geographically limited list of retailers	Page 9 lines 24-26; FIG 1 #10; and FIG 2 #36.
based on a postal code provided by said consumer	Page 9 lines 20-24; and FIG. 2 #32, #34, #36.
to said cooperative network site	Page 9 lines 24-26; FIG. 1 #14; and FIG 2 #14, #34, #36.
via said manufacturer network site”	Page 9 lines 26-27; FIG. 1 #10; FIG. 1 #10; and FIG 2 #34.

14. Tenth Assertion

Office Action at page 5 line 17 to page 6 line 3 alleges no original disclosure of:	Original disclosure of the recited limitations:
“transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site,	FIG. 1 #12, #14, #16; and page 8 lines 18-19; page 10 lines 11-16; and page 9 lines 3-14.
in response to a query from said consumer made over said communication network from said retailer network site;	page 3 lines 27-29; page 10 lines 6-12; FIG. 1 #12; FIG 3 #50, #54, #62; and page 9 lines 3-7.
transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and	FIG. 1 #12; FIG 3 # 62; page 9 lines 12-13; page 10 lines 11-12; and page 13 lines 25-29.
transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer networks site”	FIG. 1 #14; FIG 3 #66; page 4, lines 1-2; page 10 lines 15-16; page 9 lines 12-14; and page 13 lines 18-19.

15. Eleventh Assertion

Office Action at page 6 lines 3-12 alleges no original disclosure of:	Original disclosure of the recited limitations:
“transmitting from said cooperative network site a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site,	FIG. 1 #14, #16; 22; FIG. 3; page 9 lines 3-11; page 11 lines 8-17; and page 13 lines 6-19.
in response to a query from said consumer made over said communication network from said retailer network site;	FIG. 1 #12; FIG. 3 #50, #54, #62; page 10 lines 5-16; page 13 lines 8-12; and page 9 lines 11-14.
transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and	FIG 1 #12; FIG 3 #62; page 9 lines 11-13; page and 10 lines 12-13.

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer networks site”	FIG 1 #14; FIG. 3 #66; page 4 lines 1-2; page 10 lines 15-16; page 9 lines 12-14; and page 13 lines 18-19.
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16. Twelfth Assertion

Office Action at page 6 lines 12-21 alleges no original disclosure of:	Original disclosure of the recited limitations:
“transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site,	FIG. 1 #14; FIG. 1 #16; FIG. 3; FIG. 7 #120, #122, #134; page 8 lines 18-19; page 9 lines 12-13; page 12 lines 6-20; page 13 lines 20-24; and page 14 lines 1-14.
in response to a query from said consumer made over said communication network from said retailer network site;	FIG. 1 #12; FIG. 3 #54, #56, #58; page 9 lines 7-13; page 10 lines 5-11; and page 13 lines 25-30.
transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and	FIG 1 #12; FIG. 3 #62; page 9 lines 12-13; and page 10 lines 12-13.
transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer networks site”	FIG. 1 #14; FIG. 3 #66; page 4 lines 1-2; page 10 lines 15-16; page 9 lines 11-14; and page 13 lines 18-19.

17. I swear under penalty of perjury that the foregoing is true and correct.

12/4/2002
DATE


MICHAEL C. SCROGGIE

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